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Greater Cambridge Shared Planning
Planning Policy
Cambridge City Council
PO Box 700
Cambridge
CB1 0JH

Lydia Voyias

E: [REDACTED]
DL: [REDACTED]

Unex House
132 - 134 Hills Road
Cambridge CB2 8PA
T: +44 (0) 1223 347 000
F: +44 (0) 1223 347 111
savills.com

Dear Sirs,

REPRESENTATIONS TO THE DRAFT GREATER CAMBRIDGE PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

Savills (UK) Ltd have been instructed by Pigeon to submit representations to the Draft Greater Cambridge Planning Obligations Supplementary Planning Document consultation which closes 24th January 2025.

Pigeon is a privately owned company based in the Eastern Region, with a number of interests in Greater Cambridge, which specialises in high quality, landscape and design led sustainable development. As such, Pigeon welcomes the opportunity to participate in the current consultation and comments are provided in the interest of collaborative working between Pigeon and the Greater Cambridge Shared Planning Service.

Paragraph 35 of the NPPF (December 2024) states *“Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.”*

Paragraph 56 states *“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”*

Planning obligations *“assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:*

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area. (PPG Paragraph: 002 Reference ID: 23b-002-20190901)

The PPG also states, *“It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination.” (Paragraph: 004 Reference ID: 23b-004-20190901).*

Furthermore *“Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.” (Paragraph: 008 Reference ID: 61-008-20190315)*

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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Savills is concerned that this SPD is being introduced without the comprehensive consultation and examination typically afforded during the examination process, which is appropriate for a new policy approach as outlined in this note. Savills believes this is not suitable and that the SPD should not proceed at this time. According to the PPG (Paragraph: 004 Reference ID: 23b-004-20190901), it is inappropriate for plan-makers to establish new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not undergo examination. To remedy this position, it would be necessary to remove all formulaic contribution requirements that are not robustly justified from the SPD. The SPD should also highlight the viability review mechanism to ensure that schemes can continue to deliver where possible.

Comments

The following comments are made on the Draft Greater Cambridge Planning Obligations Supplementary Planning Document.

Chapter 1: Introduction

No comment

Chapter 2: Approach to Planning Obligations

No comment

Chapter 3: How to use this supplementary planning document

No comment

Chapter 4: Affordable Housing

Paragraphs 4.22 - 4.24 provide guidance on the Tenure Mix of development with detailed breakdown of the percentage of affordable housing tenure. However, the standards and need outlined may change over time and therefore an additional paragraph should be added, the mix described within these paragraphs should be used unless sufficient evidence demonstrates a different appropriate mix should be provided. This mix should be agreed in consultation with the Local Planning Authority (LPA) to respond to the needs at the time.

Paragraph 4.30 states *“The Councils may require phased developments to submit a viability assessment if during any phase of the development, the amount of affordable housing being delivered during that phase decreases...”* Whilst Savills agree, additional guidance should be added for completeness to address phased developments which provide increased affordable housing in an earlier phase to allow for a reduction in another.

Paragraph 4.33 states *“Planning Statements submitted with a planning application should provide all relevant information, including the tenure, type and size of all affordable housing units being provided, nomination rights and any other agreements. The Design and Access Statement should clarify the location of the affordable homes within the development and how this has been determined.”* Whilst it is noted that Planning Statements and Design and Access statements are often the most suitable place for submitting the information described, South Cambridgeshire District Council’s validation checklist requires an Affordable Housing statement to be submitted. They are required to *“specify the number of residential units, and show a balanced mix of dwelling sizes (measured by the number of bedrooms), types and tenures of the affordable homes taking into account local housing needs evidence. It should also show the location of the units.”*

It is suggested that the SPD guidance should be consistent with the validation requirements. In addition to enable some flexibility, the wording should be changed to allow the applicant to submit said material in the most appropriate form for that application to the Local Planning Authority.

Chapter 5: Green Infrastructure

No comment

Chapter 6: Biodiversity

Paragraphs 6.4 and 6.9 reference an aspirational target of 20% Biodiversity Net Gain (BNG) on sites as best practice. The draft text does state that this is 'aspirational' (6.4) and 'encourages' (6.9) and therefore Savills emphasis that as per Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) the statutory BNG for new applications (unless exempt) is 10%. If a planning application does not meet 20% but does provide 10% this should not be considered negatively in the planning balance.

Paragraph 6.8 lists some of the exemptions for BNG on new developments. All exemptions should be listed. For completeness these are:

- Existing Planning Applications made before 12th February 2024.
- Variations of planning permission
- Development below the threshold:
 - 25 square metres (5m by 5m) of on-site habitat
 - 5 metres of on-site linear habitats such as hedgerows
- Householder Applications
- Self-build and custom build applications
- Biodiversity gain site
- High speed rail transport network
- Other exemptions - urgent crown developments and developments that are granted planning permission by a development order (including permitted development rights)

The delivery of BNG on sites can be secured through three mechanisms as outlined in paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) stated in paragraph 6.10. Paragraph 6.11 does not include all of the mechanism to secure onsite, offsite or through the purchase of statutory biodiversity credits. For clarity the SPD should reference paragraph 9 (part 3) of Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) to clarify all of the mechanisms to secure BNG for applications, which states:

“The condition is that any habitat enhancement resulting from the works referred to in sub-paragraph (1)(a) will, by virtue of—

- (a) a condition subject to which the planning permission is granted,*
- (b) a planning obligation, or*
- (c) a conservation covenant,*

be maintained for at least 30 years after the development is completed.”

The SPD should include reference to the provision of BNG on other land under the ownership of the applicant. This change may encourage more local BNG delivery.

However, it is considered that the SPD should not be putting undue pressure on applicants to enter into S106 agreements, particularly for smaller scale projects, when the delivery of BNG can be controlled via other mechanisms. We are concerned that seeking additional S106 agreements will put pressure on the LPA and could unnecessarily delay the delivery of development.

Paragraph 6.24 states: *“To discharge a Biodiversity Gain Plan condition which seeks off-site BNG, the LPA will need to ensure the BNG will be appropriately managed and monitored with fees undertaking this. If a developer applied to discharge a BNG condition reliant on off-site provision where there is no associated S106 Agreement securing long term management or monitoring contributions, BNG Conditions will not be discharged.”* This

approach, claiming off site provision cannot be made without a S106 agreement, is incorrect and should be amended to include reference to the 'conservation covenant'.

The PAS Guidance¹ explains “A conservation covenant is a private voluntary legal agreement, made in writing, between a Responsible Body and a landowner which establishes that land will be used for a conservation purpose.” As this covenant sits with the land it is sufficient to ensure the long term BNG and management.

There should also be reference to the national credit scheme which is not controlled through the Development Management system.

Chapter 7: Community Facilities

Paragraph 7.8 references a new study that has been commissioned from Cambridgeshire ACRE which will be completed in 2024. Savills have been unable to find this document. If it is yet to be published reference to this should be altered to reflect this.

Savills consider that paragraph 7.10 should be written to improve clarity as to what type of developments should be sought. The current wording describes that ‘all new residential’ development which reflects Policy SC/6 however there doesn’t appear to be an obvious policy hook to justify that all major commercial developments are required to make provision for community facilities to meet the needs arising from the development.

Policy SC/2 Health Impact Assessment require developers to submit Health Impact Assessments of varying scales dependent of the scale of floorspace proposed. As such it is considered, only where there is a demonstrable need can provision / a financial contribution be requested. This need should be identified, directly related to the development and justified by the LPA.

Savills propose the amended wording as shown below in red.

“All new residential, mixed-use (with an element of residential), and major commercial developments (where there is a demonstrable need) are to make provision for community facilities to meet the needs arising from the development proposal.”

As stated above Planning obligations “assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area. (PPG Paragraph: 002 Reference ID: 23b-002-20190901).

Paragraph 7.24 states “Within Cambridge projects will be identified in consultation with the Cambridge City Council Communities Group who manage a range of Community Centres and facilities across the city.” Savills would like to emphasise that any requests for contributions to these projects across the city must meet the tests as set out above.

¹ <https://www.local.gov.uk/pas/events/past-events/biodiversity-net-gain-local-authorities/biodiversity-net-gain-faqs>

Chapter 8: Social and Community Support Services

Savills consider that this Chapter could be rolled into Chapter 7.

Paragraph 8.10 states “*For major development, and particularly development of a significant scale, the County Council will engage with the developer and relevant LPA during the pre-application period to scope the need for particular services and facilities. The Council will also ensure, wherever, possible, that these requirements are addressed in masterplans for strategic sites.*”

Savills agree that engagement with Cambridgeshire County Council, NHS England and other stakeholders on these matters is important particularly as part of a Health Impact Assessment and provision provided where there is a demonstrable need arising from the development. However, this raises the question of what if the stakeholders do not engage effectively with the applicant. Guidance should be added on this to ensure the developer will not be hindered in the decision-making process if stakeholders have failed to engage effectively or make changes to their preferred approach.

Chapter 9: Libraries and Lifelong Learning

This section of the SPD is derived from Policy 85 of the Cambridge Local Plan and Policy SC/4 of the South Cambridgeshire Local Plan. The SPD mandates that all new residential developments must address the need for new library provision. It advises applicants to detail the number of dwellings or the expected population resulting from the new development. It further suggests that the Cambridgeshire County Council Planning Obligations Strategy outlines the County’s approach to securing contributions. However, this information is not explicitly provided in the SPD, and it is unclear whether these figures will be updated or indexed, or what justification exists for their continued appropriateness. According to the SPD, contributions appear to range from £28.92 to £97 per head of population increase, based on the consultation draft Planning Obligations Strategy from 2016. Whilst Savills agree with the Council’s aim to promote life-long learning, Savills question the appropriateness of funding this initiative through residential development when evidence does not demonstrate it is necessary to make the development acceptable in planning terms.

Paragraph 9.4 lacks the same clarity as 7.10 in Chapter 7. Savills propose the following wording (in red) to ensure clarity for readers and ensure the SPD reflects the provision of Policy SC/4.

Paragraph 9.4 “All new residential development, including within mixed-use schemes *(with an element of residential)*, is to meet the developments needs for new library provision.”

Chapter 10: Transport and Highways

Chapter 10 describes the Cambridgeshire Active Travel Strategy (Cambridgeshire County Council) and Active Travel Toolkit. The chapter fails to make reference to the role of Active Travel England, who from June 2023 became a statutory consultee for outline, full and hybrid applications that meet or exceed the thresholds of 150 residential units, 7,500m² or more of commercial floor space created or a site of 5 hectares or more. This is stated within the Active Travel Toolkit referenced in Paragraph 10.9; however, Savills suggest the guidance should include recommendations that applicants engage with Active Travel England as early as possible if their proposal meets the thresholds.

Savills recommend that an addition should be made to Paragraph 10.13 for clarity. Shown in red below.

10.13 Consequently, there is no development threshold below which an obligation for transport infrastructure may not be required and there are no types of development that would be exempt from transport infrastructure requirements. Unless agreed with the Local Highways Authority and other relevant parties.

Chapter 11: Education

Savills query the necessity of this section of the SPD. The SPD does not provide any current information regarding the Council's assessment of existing or planned school capacity. The Chapter lacks the calculation information, which must be sourced from other documents and evidence.

Chapter 12: Public Art

Chapter 12.6 suggests that the provision of Public Art could also be 'community-led'. This provides inconsistency with paragraph 12.14 which states (bold added by Savills) "*Public art should be developed through a three-way partnership between the developer, an art consultant, and the Council and **involve consultation with the local community.***" The Public Art SPD provides limited guidance on what level of 'consultation with the local community' is required. Further guidance as to the level of consultation expected would be welcomed.

Clarification is sought as to who is responsible for conducting the 'Public Art Audit'. The Public Art SPD states "*A formal update of the audit is needed.*" But does not provide clarity as to who will complete this update. Given the Council carried out the initial work it can be expected that they would carry out the update, clarification is asked for that, if this is not completed prior to an application being submitted, is the applicant then expected to complete this work.

Chapter 13: Burial Space

Savills agree that all housing developments will include or contribute to the provision of the services and facilities necessary to meet the needs of the development. However, there are no policy requirements within the Local Plan or available in adopted SPD to provide a reasonable argument for such contribution requests to Burial Space on all residential development. Savills comment that a threshold should be in place in which an assessment for sites is necessary as listed in South Cambridgeshire Local Plan, Policy SC/4. This should be based upon demonstrable evidence. Within the Cambridge Local Plan (Policy 85) there is no reference to Burial Space, therefore as a 'policy requirement' this has not been tested at public examination as required by the NPPF and PPG as previously stated.

Chapter 14: Public Open Space

Further clarification is required as to which parts this SPD are superseded by the South Cambridgeshire Open Space in New Developments SPD.

Further details are needed regarding the requirements for a submitted sports strategy for developers of large windfall sites not accounted for in the Greater Cambridge Playing Pitch Strategy. The Greater Cambridge Playing Pitch Strategy does not provide said detailed guidance for developers.

In paragraph 14.19 it should read (comments in red) for grammatical purposes.

Figure 10 of the Local Plan provides guidance on when different types of play ~~s~~ space should be provided onsite.

Paragraph 14.32 describes commuted maintenance fees "*where the circumstances of a particular site require a contribution calculated on a longer period where there is sufficient justification.*" Any contribution needs to be justified by supporting evidence provided within a Public Open Space Study or Open Space SPD.

Chapter 15: Indoor sports, including swimming

Savills would emphasise that the Council should ensure that the requirements set out in Chapter 15 are viable and deliverable. Any requirement that could prevent the delivery of homes should be avoided.

Chapter 16: Public Realm

No comment.

Chapter 17: Waste and Recycling

Savills propose the following change to Paragraph 17.16 for grammatical purposes (changes shown in red)

“Developers will be required to pay the ~~different~~ difference between the average cost of an electric vehicle and a diesel; vehicle which is £112 per unit.”

Furthermore, please provide clarity as to how the figure of £112 per unit has been reached.

Savills would like to emphasise that the Council should ensure that the requirements set out in Chapter 17 are viable and deliverable. Any requirement that could prevent the delivery of homes should be avoided.

Chapter 18: Emergency Services

No comment

Chapter 19: planning obligations to support local employment and skills

The scale of residential and commercial development should be stated in Paragraph 19.4. it is stated in Paragraph 19.5. For consistency with other chapters, it should be stated in Paragraph 19.4.

Savills would like to express concern that no policies in both the Cambridge Local Plan and the South Cambridgeshire Local Plan express a requirements for this. As stated previously it is inappropriate for plan-makers to establish new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not undergo examination.

Chapter 20: Planning obligations to support affordable workspaces

No comment

Chapter 21: PROW

Further details are requested as to where development will be required to establish improved links to new and existing PRow and the wider PRow network and the cost associated with these requirements.

Chapter 22: Healthcare

Paragraph 22.20 describes that engagement with the ICS is encouraged for all scales of developed that propose 200 or more residential units. As stated above this raises the question of what if the ICS do not engage effectively with the applicant. Guidance should be added on this to ensure the developer will not be hindered in the decision-making process if the ICS have failed to engage effectively or make changes to their preferred approach.

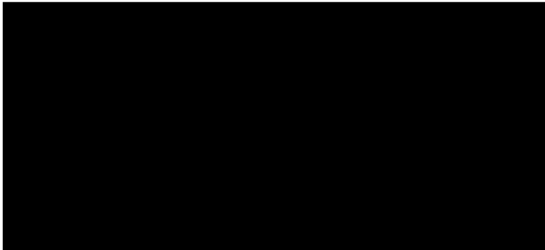
Chapter 23: Other potential development specific requirements

This section of the SPD indicates that the previous sections may not encompass all potential planning obligations that could apply to any given development. It lists additional possible obligations, including community, sports, leisure, or open space facilities; impacts on the historic environment; pollution, air quality, noise, or odour mitigation measures; sustainable drainage systems; sustainable show homes; and digital infrastructure. Savills would like to express concern about the possibility of further planning obligations that are not specified in this SPD. This uncertainty complicates the development industry's ability to account for these



costs in their land purchases or development cost considerations. Such a lack of clarity can pose significant challenges for developers and may result in delays in bringing developments forward.

Should you seek any clarification on the comments made please do not hesitate to contact me.



Lydia Voyias
Associate Director